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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC., a Colorado corporation;
and ORACLE INTERNATIONAL CORPO-
RATION, a California corporation,

Plaintiffs,

v.

RIMINI STREET, INC., a Nevada corporation;
SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-0106-LRH-PAL

EMERGENCY MOTION

**RIMINI'S MOTION TO SHORTEN
TIME FOR HEARING ON ITS MOTION TO
COMPEL DISCOVERY
RELATING TO ORACLE'S
MOTION FOR ATTORNEYS' FEES**

1 Defendants (collectively, “Rimini”) moved to compel from plaintiffs (collectively, “Ora-
 2 cle”) information that Rimini needs to oppose Oracle’s request for attorney’s fees.¹ (Dkt. 930.)
 3 Currently, however, this Court is not set to rule on Rimini’s motion to compel until *after* its dead-
 4 line to oppose Oracle’s fee request. (See Dkt. 917.) That delay defeats the purpose of Rimini’s
 5 motion to compel. It also deprives this Court of the information it needs to rule on Oracle’s fee
 6 request.

7 To fix the timing issue, this Court should shorten the time for a hearing on Rimini’s motion
 8 to compel.² See LR 6-1. At the same hearing, this Court should rule on Rimini’s related motion
 9 for an additional 60 days to oppose Oracle’s fee request. That motion for extension is fully
 10 briefed.

11 December 4, 2015

LEWIS ROCA ROTHGERBER LLP

13 By: /s/ Daniel F. Polsenberg

14 DANIEL F. POLSENBERG (SBN 2376)
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17 *Attorneys for Defendants*
 18 *RIMINI STREET, INC., a Nevada corporation*
 19 *and SETH RAVIN, an individual*

24 _____
 25 ¹ The requested information includes Oracle’s retainer agreements with counsel and any guidelines
 26 that Oracle gives outside counsel. Rimini filed its motion to compel only after Oracle rejected
 Rimini’s request.

27 ² Rimini makes this motion on an emergency basis (Local Rule 7-5), supported by the attached
 28 affidavit of Daniel F. Polsenberg.

1 **Affidavit of Daniel F. Polsenberg in Support of Motion for Order Shortening Time**

2 Daniel F. Polsenberg being first duly sworn, deposes and says:

3 I am an attorney with the law firm of Lewis Roca Rothgerber LLP, and I make this affida-
4 vit under Local Rule 7-5 in support of Rimini's emergency motion for an order shortening time.

5 Rimini's motion to compel (Dkt. 930) requests information that Rimini needs to adequate-
6 ly respond to Oracle's motion for costs and attorney's fees (Dkt. 917). To make the motion to
7 compel worthwhile, this Court needs to rule on that motion *before* Rimini's opposes the fee mo-
8 tion.

9 In the ordinary course, however, this Court will not rule on Rimini's motion to compel un-
10 til *after* Rimini's time to oppose the motion for costs and fees. In fact, the time for Oracle's re-
11 sponse to the motion to compel is only four days before Rimini's deadline to oppose the fee re-
12 quest. As a result, the Court needs to make a ruling on the motion to compel before Rimini op-
13 poses Oracle's fee motion.

14 Rimini's counsel have been unable to resolve the discovery dispute without Court action.
15 First, we addressed with Oracle the discovery requests underlying the motion to compel, and we
16 were unsuccessful to reach an agreement. This is set out in my affidavit attached to our motion to
17 compel. (Dkt. 930-1.)

18 We also attempted to reschedule the opposition to the fees motion, which would have giv-
19 en this Court more time to rule on the motion to compel, among other reasons. The parties again
20 were not able to agree. This is set out in Blaine H. Evanson's declaration attached to our motion
21 for an extension of time to respond to the fees motion. (Dkt. 941-1.)

22 We also attempted to resolve this immediate request to expedite the motion to compel. In
23 a series of phone calls and email exchanges over a week, Blaine Evanson for Rimini and Thomas
24 S. Hixon for Oracle negotiated a proposed joint statement to the Court regarding the disputes be-
25 tween the parties, and that proposed statement contained Rimini's position that the briefing on the
26 motion to compel should be expedited. In an email dated December 3, Mr. Evanson informed Mr.
27 Hixon that Rimini was going to move separately to expedite briefing on the motion to compel. In
28

1 addition, today, December 4, 2015, Rimini attorney W. West Allen, my partner, telephoned Oracle
 2 attorney Richard Pocker and left a message regarding this need for a hearing on shortened time.

3 Pursuant to Local Rule 7-5(d)(2), the office addresses and telephone numbers of the affect-
 4 ed parties are:

5 ***Rimini Street, Inc. and Seth Ravin:***

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18
 19 ***Oracle USA, Inc., Oracle America, Inc. and Oracle International Corporation:***

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1 ORACLE CORPORATION
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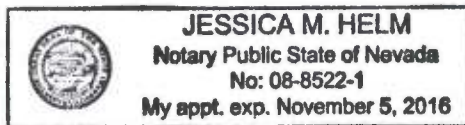
5 I declare under penalty of perjury that the forgoing is true and correct.

6 Dated this 4th day of December, 2015.

7 
8 DANIEL F. POLSENBERG
9

10 Subscribed and sworn to before me
this 4th day of December, 2015.

11 
12 NOTARY PUBLIC
13



CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2015, I caused to be electronically filed the foregoing document with the Clerk of the Court for U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Jessie M. Helm
An Employee of Lewis Roca Rothgerber LLP